

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS

)
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)
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)
The City of New York v. Abbott Labs., et al.)
(S.D.N.Y. No. 04-CV-06054))
County of Suffolk v. Abbott Labs., et al.)
(E.D.N.Y. No. CV-03-229))
County of Westchester v. Abbott Labs., et al.)
(S.D.N.Y. No. 03-CV-6178))
County of Rockland v. Abbott Labs., et al.)
(S.D.N.Y. No. 03-CV-7055))
County of Dutchess v. Abbott Labs., et al.)
(S.D.N.Y. No. 05-CV-06458))
County of Putnam v. Abbott Labs., et al.)
(S.D.N.Y. No. 05-CV-04740))
County of Washington v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00408))
County of Rensselaer v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00422))
County of Albany v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00425))

[Caption Continues on Next Page]

**NOTICE OF VOLUNTARY DISMISSAL OF THE NEW YORK COUNTIES' CLAIMS
AGAINST DEFENDANT ALPHA THERAPEUTIC CORPORATION**

County of Warren v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00468))
County of Greene v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00474))
County of Saratoga v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00478))
County of Columbia v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00867))
Essex County v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00878))
County of Chenango v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00354))
County of Broome v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00456))
County of Onondaga v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00088))
County of Tompkins v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00397))
County of Cayuga v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00423))
County of Madison v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00714))
County of Cortland v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00881))
County of Herkimer v. Abbott Labs. et al.)
(N.D.N.Y. No. 05-CV-00415))
County of Oneida v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00489))
County of Fulton v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00519))
County of St. Lawrence v. Abbott Labs., et al)
(N.D.N.Y. No. 05-CV-00479))
County of Jefferson v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00715))
County of Lewis v. Abbott Labs., et al.)
(N.D.N.Y. No. 05-CV-00839))
County of Chautauqua v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06204))
County of Allegany v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06231))
County of Cattaraugus v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06242))
County of Genesee v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06206))
County of Wayne v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06138))

County of Monroe v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06148))
County of Yates v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06172))
County of Niagara v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06296))
County of Seneca v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06370))
County of Orleans v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06371))
County of Ontario v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06373))
County of Schuyler v. Abbott Labs, et al.)
(W.D.N.Y. No. 05-CV-06387))
County of Steuben v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06223))
County of Chemung v. Abbott Labs., et al.)
(W.D.N.Y. No. 05-CV-06744))
County of Ulster v. Abbott Labs, et al)
(N.D.N.Y. Case No. 06-CV-0123))
County of Wyoming v. Abbott Labs, et al.)
(W.D.N.Y. No. 05-CV06379))
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AND)
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County of Nassau v. Abbott Labs., et al.)
(E.D.N.Y. No. 04-CV-5126))
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Please take notice that the New York County Plaintiffs in the above-captioned matter that have brought claims against defendant Alpha Therapeutic Corporation hereby dismiss all claims against Alpha Therapeutic Corporation without prejudice, pursuant to Fed.R.Civ.P. 41(a)(1)(i).

Alpha Therapeutic Corporation has not served an answer or motion for summary judgment in the above-captioned case and, therefore, Plaintiffs' claims will be dismissed without order of this court, upon filing of this notice of dismissal.

Dated: New York, New York
November 20, 2007

By: ADH
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2007, I caused a true and correct copy of the foregoing to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

ADH
